

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FERNANDO HIRSCH MERHEJ and
KARIFER MERCANTILE E AGRICOLA
EIRELI,

Plaintiffs,

vs.

I.C.S. INTERNATIONAL CUSTODY
SYSTEM INC., ABC CORPORATIONS 1-50,
ALEJANDRO GIL, and JOHN DOES 1-50,

Defendants.

Index No. 13 CV 0869 (JGK)

**DECLARATION OF ALEJANDRO
GIL**

Alejandro Gil declares as follows:

1. I am a named defendant in this action, and a member of the Bar of the State of New York and of his Court. I have moved to dismiss this action as against me.
2. Another named defendant in this action is I.C.S. International Custody System Inc. ("ICS").
3. I understand from my attorneys in this action, Anderson Kill & Olick P.C., that plaintiffs have moved by Order to Show Cause for an Order under FRCP Rule 55 for entry of default against ICS.
4. I have been shown a copy of an Affidavit of Service, attached by plaintiffs to their moving papers as Exhibit B, in which an alleged process server named Yoler Jean-Baptiste swears that on February 11, 2013 he served ICS "by delivering and leaving with Alejandro Gil – Authorized and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation."

5. I am not now and have never been the Managing Agent of ICS.

6. I am not now and have never been authorized to accept service on behalf of ICS.

7. On February 11, 2013, a person served me at my office with one copy of the summons and complaint herein, which I accepted for myself personally as a defendant named therein.

8. My attorneys have shown me a copy of a printout from the New York State Department of State attesting that as of May 15, 2013, there was no Registered Agent for ICS.

9. I am not now and have never been the attorney for ICS.

10. I submit this declaration to point out an error in plaintiff's moving papers. I have no position on whether or not plaintiffs' motion should be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2013.



Alejandro Gil

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 15, 2013.

Selected Entity Name: I.C.S. INTERNATIONAL CUSTODY SYSTEM INC.

Selected Entity Status Information

Current Entity Name: I.C.S. INTERNATIONAL CUSTODY SYSTEM INC.

DOS ID #: 4077879

Initial DOS Filing Date: APRIL 06, 2011

County: NEW YORK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC BUSINESS CORPORATION

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

I.C.S. INTERNATIONAL CUSTODY SYSTEM INC.

501 MADISON AVENUE SUITE 201

NEW YORK, NEW YORK, 10022

Registered Agent

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

*Stock Information

| # of Shares | Type of Stock | \$ Value per Share |
|-------------|---------------|--------------------|
|-------------|---------------|--------------------|

| | |
|-----|--------------|
| 200 | No Par Value |
|-----|--------------|